## *Remarks*

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendments, claims 1-20 are pending in the application. Claims 15-20 have been withdrawn from further consideration, as being drawn to a non-elected invention. Of the claims under consideration, claims 1 and 10 are independent. Claims 1, 8 and 10 are sought to be amended by this paper. These amendments are believed to introduce no new matter, and their entry is respectfully requested. More particularly, support for the amended claim language can be found in the drawings of the application and in paragraphs [0041] and [0043] of the specification.

Based on the above amendments and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw the same.

### *Acknowledgement to Examiner*

Applicant would like to thank the Examiner for the courtesy extended to his representative during the telephone interview conducted on February 27, 2006. The above amendments and following remarks reflect the discussion with the Examiner concerning the patentability of the claims.

### *Description of the Invention*

The present invention is a self-cleaning apparatus for transferring, collecting and disposing of a waste material. While the apparatus has specific utility in the medical and surgical fields (for transferring, collecting and disposing of biological fluids and waste),

the apparatus can also be employed to transfer, collect and dispose of any material, constituent or product. The apparatus comprises a material transfer hose, a material collection chamber, a vacuum source for drawing material into the material collection chamber, an optional pump for emptying the material collection chamber, and a cleaning fluid chamber that receives the material transfer hose, to permit a cleaning fluid to be drawn into the material transfer hose to clean the hose, as well as the material collection chamber and remaining components of the apparatus. The apparatus of the present invention differs from those known in the prior art in that it comprises few parts, self-cleans, avoids the need for disposable waste material collection bags, and does not require reconfiguration of the apparatus to dispose of the material or clean the apparatus, thereby reducing user contact with the waste material and possible contamination of the environment or surrounding area.

***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claims 1-4 and 6-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,741,238 to Bradbury *et al.* (the "Bradbury patent"). While the Examiner's rejection has been applied to both independent and dependent claims of the application, the following remarks are directed to only independent claims 1 and 10, since the dependent claims (2-4, 6-9 and 11-13) are patentable by virtue of their dependency on the independent claims.

According to the Examiner, the Bradbury patent discloses a vessel 20 for collecting, transferring and disposing of medical and biological fluid wastes while minimizing human interaction and possible exposure to contaminated surfaces,

comprising: a tube/waste material transfer hose 16 having an inlet/first chamber 22 and outlet for transferring waste material; a waste material collection chamber 24 having an inlet in communication with the outlet of the transfer hose 16 and an outlet adjacent drain hose 70; a vacuum connected to collection chamber 24 by a vacuum line 32; and a disinfectant/cleaning fluid chamber 122 for holding a sufficient volume of disinfectant, the fluid chamber 122 communicating and receiving an inlet of the transfer hose 16. *See* Office Action, page 3. Applicant respectfully disagrees with the Examiner for the following reasons.

Claim 1 as hereby amended calls for a self-cleaning apparatus for transferring, collecting and disposing of waste material from a patient comprising, among other things, a waste material transfer hose having an inlet and an outlet, a non-disposable waste material collection chamber in communication with the waste material transfer hose, a vacuum source connected to the waste material collection chamber by a vacuum line, and a cleaning fluid chamber for receiving a cleaning fluid. The cleaning fluid chamber is arranged and configured to communicate with and receive the inlet of the waste material transfer hose by inserting the inlet of the hose into the cleaning fluid chamber, to permit the cleaning fluid to be transferred to and through the waste material transfer hose and waste collection chamber to clean the same.

While the Bradbury patent arguably discloses the claimed waste material transfer hose, waste material collection chamber and vacuum source, it does not disclose the cleaning fluid chamber, as hereby amended. More particularly, claim 1 recites that the cleaning fluid chamber is arranged and configured to communicate with and ***receive the***

***inlet of the waste material transfer hose by inserting the inlet of the hose into the cleaning fluid chamber***. While the disinfectant/cleaning fluid chamber 122 of the Bradbury patent is arguably arranged and configured to communicate with the inlet of the transfer hose 16, it cannot receive the inlet of transfer hose 16 by inserting the inlet of the hose into the disinfectant/cleaning fluid chamber, as now claimed. On the contrary, inlet 16 of the Bradbury patent resides within the collection chamber and cannot be removed therefrom to be inserted into the cleaning fluid chamber of the apparatus or into any other component of the apparatus. While it is true that the Bradbury patent provides for cleaning of the apparatus with a disinfectant from the disinfectant chamber 122, it does so by circulating the disinfectant fluid to hose 16 through lines/pipes (not labeled) positioned upstream of inlet 16 and only after connecting hose 16 (and 18) to fitting 12 (and 14). It is not possible, however, to insert hose 16 into disinfectant chamber 122 to clean the hose and waste material collection chamber, as claimed. For this reason, Applicant asserts that claim 1 is patentable over the Bradbury patent, and reconsideration of the rejection as applied to claim 1, and dependent claims 2-4 and 6-9, is respectfully requested.

Independent claim 10 has also been rejected under Section 102(b) as being anticipated by the Bradbury patent. Like amended claim 1, amended claim 10 calls for a cleaning fluid chamber for receiving a cleaning fluid, the cleaning fluid chamber being arranged and configured to communicate with and ***receive*** the inlet of the material transfer hose ***by inserting the inlet of the material transfer hose into the cleaning fluid chamber*** to permit cleaning fluid to be drawn into the inlet of the material transfer hose to clean the hose, material collection chamber and disposal pump of the claim. For the

same reason that amended claim 1 is patentable over the Bradbury patent (because it fails to disclose insertion of the hose inlet into the claimed cleaning fluid chamber), Applicant contends that independent claim 10, as well as the rejected claims that depend therefrom, is also patentable. Reconsideration and withdrawal of the rejection as applied to claim 10 is respectfully requested.

Claim 1 has also been rejected under Section 102(b) as being anticipated by U.S. Patent No. 4,930,997 to Bennett (the "Bennett patent"). According to the Examiner, the Bennett patent discloses a portable medical suction device 20 comprising a suction tube/waste material transfer hose 22 having an inlet and an outlet for transferring waste material, a reservoir bag/waste material collection chamber 120 having an inlet in communication with the outlet of the transfer hose 22 and a collection chamber outlet with a vacuum source/suction tube 22; and a rinse bottle/cleaning fluid chamber 25 that pumps water via a pump assembly 40 through to minimize the risk of cross contamination. *See* Office Action, page 5. Applicant respectfully disagrees with the Examiner's rejection.

First and more particularly, claim 1 as hereby amended calls for a ***non-disposable*** waste material collection chamber. The collection bag of the Bennett patent is not non-disposable. On the contrary, the flexible reservoir bag is bonded to the collection tube and adapted to be economically disposed of after a single use without the necessity of cleaning the components of the device that contact the aspirate (*i.e.,* waste material). *See* the Abstract and Column 5, line 62 - Column 6, line 53. Because the reservoir bag of the apparatus is disposed after each use (to avoid possible contact with the aspirate by the

user), it is not non-disposable, as claimed. In addition, while the Bennett patent does disclose a rinse bottle for pumping water through the hose, the Bennett patent specifically teaches against or away from an apparatus that circulates cleaning fluid from cleaning fluid chamber through the inlet of the waste material collection hose to clean the hose ***and the waste material collection chamber,*** as claimed, because the reservoir bag is disposable. For both of these reasons, Applicant submits that claim 1, as hereby amended, is patentable over the Bennett patent and respectfully requests reconsideration and withdrawal of the rejection.

***Rejections under 35 U.S.C. § 103***

The Examiner has rejected claims 5 and 14 under 35 U.S.C. § 103(a) as being unpatentable over the Bradbury patent as applied to claims 1 and 10 above, and further in view of U.S. Patent No. 6,036,166 to Olson (the "Olson patent"), on the basis that it would have been obvious to combine the peristaltic pump of the Olson patent with the apparatus of the Bradbury patent to arrive at the claimed inventions. While the Olson patent arguably discloses a peristaltic pump suitable for use with the apparatus of the Bradbury patent, the Olson patent fails to provide the missing limitation of a cleaning fluid chamber which receives the inlet of the material transfer hose to permit the cleaning fluid to be transferred to and through the material transfer hose and material collection chamber to clean the same. For this reason, Applicant submits that claims 5 and 14 are patentable over the cited patents, and respectfully requests reconsideration and withdrawal of the rejection.

***Other Matters***

Applicant notes that the Examiner did not acknowledge the Information Disclosure Statement filed by Applicant on August 24, 2005. According to the Patent Application Information Retrieval (PAIR) system, the Office received the filing and captured the references of the Information Disclosure Statement on August 24, 2005. Applicant respectfully requests that the Examiner acknowledge her consideration of the cited references in her next communication to Applicant.

## *Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and withdraw the same. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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